



## Would you like to settle your case without going to a court hearing?

HM Courts & Tribunals Service provides a free and confidential telephone mediation service for parties (people) involved in current defended small claims cases.

If you have an on-going small claims case in court, this service could give you the opportunity to resolve your dispute without having to attend a court hearing, saving time and money.

The Small Claims Mediation Service offers, before any court hearings, one hour mediation appointments with trained HM Courts & Tribunal Service mediators.

### What is mediation?

In mediation, each side to a dispute has a chance to summarise the main points of their case and to think about what the other side has to say. A mediator helps you to consider the best solution to the dispute and whether you can both reach agreement about how the dispute could be settled.

The mediator is neutral and will not make any judgment on the rights or wrongs of the case. The role of the mediator is to help you and the other party negotiate an agreement.

Mediation is a voluntary process so all the parties involved need to want to use the service.

## **What are the benefits of mediation?**

- There is no cost to use the service.
- Mediation is quicker and less expensive than attending a court hearing.
- The process is less formal than a court hearing with a judge.
- All discussions are confidential and without prejudice.
- Appointments are arranged at a time to suit all the parties.
- Parties are in control of the outcome, rather than having a decision imposed upon them by a judge at a hearing.
- Settling a dispute through mediation avoids the build up and risk of costs that will have to be paid if a case goes to a hearing.
- If you agree to settle your dispute at mediation a formal agreement will be sent to you by the mediator. You or the other party can apply to the court to enforce this if it is breached (not acted on). The mediator will explain this process to you in more detail at the mediation.

## **What are the requirements to use the Small Claims Mediation Service?**

- Anyone participating in a mediation appointment has full authority to negotiate a settlement.
- The parties need to agree to go to mediation in good faith with the aim of achieving a settlement.
- For mediation to be successful there needs to be some flexibility from all parties and a willingness to listen and consider each other's positions.
- The parties or their representatives should be familiar with the details of the dispute and be able to answer any queries raised.

## What if mediation fails?

The Small Claims Mediation Service has proved highly successful with an excellent customer satisfaction rate. However, if parties don't reach a settlement the case will go to a hearing.

All negotiations made at mediation will remain confidential and cannot be disclosed to a judge at a hearing.

If the matter goes to a court hearing, the claimant will have to pay a hearing fee (or the defendant if the matter proceeds on a counter-claim only).

**You are reminded that you must continue to comply with all court directions while you consider or take part in the mediation process.**

## I wish to use the Small Claims Mediation Service – what should I do next?

If the court has asked you to complete a Directions Questionnaire (N180) you should tick Yes to question 'A1' and complete section B.

If you have received a judicial order recommending that your case is suitable for mediation you should contact the Small Claims Mediation Service as soon as possible to register your interest in going to mediation. Mediation will only take place if both parties contact the Small Claims Mediation Service to confirm that they want an appointment, so it is important that you contact us as soon as possible using the contact details given on the judicial order.

You may also visit [www.gov.uk](http://www.gov.uk) for further information, or you can contact the HM Courts & Tribunals Service Small Claims Mediation Service by phone at 01604 795 511 or by email at [scmenquiries@hmcts.gsi.gov.uk](mailto:scmenquiries@hmcts.gsi.gov.uk)

Directions questionnaire (Small Claims Track)		Name of court	Claim No.
To be completed by, or on behalf of, <div></div> who is [1*][2*][3*] [ ] (Claimant) (Defendant) (Part 20 claimant) in this claim		<p>You should note the date by which this questionnaire must be returned and the name of the court it should be returned to since this may be different from the court where the proceedings were issued.</p> <p>If you have settled this claim (or if you settle it on a future date) and do not need to have it heard or tried, you must let the court know immediately.</p>	
<b>A Settlement/Mediation</b>			
<p>Under the Civil Procedure Rules parties should make every effort to settle their case. At this stage you should still think about whether you and the other party(ies) can settle your dispute without going to a hearing.</p> <p>You may seek to settle the claim either by direct discussion or negotiation with the other party or by mediation. If settlement is reached parties may enter into a binding agreement which can be enforced if the terms of the agreement were to be breached.</p> <p>Mediation is a way of resolving disputes without a court hearing, where the parties are assisted in resolving their dispute with the help of an impartial mediator. If the claim is settled at this stage the parties can avoid further court fees, costs and time involved in preparing and attending a hearing.</p> <p>You may use any mediation provider. However, HMCTS provide a <b>free confidential</b> Small Claims Mediation Service which is available to parties in most small claims cases which are for less than £10,000.</p> <p>Mediation is usually carried out by telephone in one hour time limited appointments convenient to the parties and is quicker than waiting for a court hearing before a judge. There is no obligation to use the Small Claims Mediation Service nor are you required to settle if you do. If you are unable to reach agreement with the other party at mediation, the claim will proceed to a small claims hearing before a judge.</p> <p>You can get more information about mediation from <a href="http://www.gov.uk">www.gov.uk</a></p> <p>If all parties agree, this case will be referred to the Small Claims Mediation Service. In any event the court may order the service to contact you to explore mediation.</p>			
<b>A1</b> Do you agree to this case being referred to the Small Claims Mediation Service? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Please give your contact details below – If all parties agree to mediation your details will be passed to the small claims mediation team who will contact you to arrange an appointment.			
You must complete the remainder of the form regardless of your answer to A1			
<b>B Your contact details</b>		<b>Notes</b>	
Your full name <div></div>		It is essential that you provide this information, particularly if you have requested mediation. Staff will contact you within office hours (9am – 5pm).	
Address for Service <div></div>			
Telephone number <div></div>	Mobile <div></div>		
Email <div></div>			

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